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Reauthorization: S. 2724 (1990): Report 11

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Verbatim?
P. 20

Mark
AMENDMENT NO. _____

Calendar No. _____

Purpose: To strengthen the bill, to make technical corrections,
and for other purposes.

IN THE SENATE OF THE UNITED STATES—101st Cong., 2d Sess.

S. 2724

To extend and improve arts and humanities programs,
museum services, and arts and artifacts indemnification,
and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be
proposed by Mr. HATCH (for himself, Mr. KENNEDY, Mr.
PELL, and Mrs. KASSEBAUM)

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Arts, Humanities, and
- 5 Museums Amendments of 1990".

P 11, 12
21
22?

1 **TITLE I—NATIONAL FOUNDATION**
2 **ON THE ARTS AND THE HUMAN-**
3 **ITIES**

4 **SEC. 101. DEFINITIONS.**

5 Section 3 of the National Foundation on the Arts and
6 the Humanities Act of 1965 (hereafter in this title referred
7 to as the “Act”) (20 U.S.C. 952) is amended—

8 (1) in subsection (b), by inserting “the tradi-
9 tional arts practiced by the diverse peoples of the
10 United States,” after “major art forms,”;

11 (2) in subsection (d), by inserting “the widest”
12 after “develop and enhance”;

13 (3) in subsection (d)(2), by inserting “,
14 7(c)(10),” after “section 5(1)”; and

15 (4) by inserting at the end thereof the following
16 new subsection:

17 “(h) The term ‘local arts agency’ means a community
18 organization or an agency of local government which pri-
19 marily provides financial support, services, or other pro-
20 grams for a variety of arts organizations or individual art-
21 ists.”.

22 **SEC. 102. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR**
23 **THE ARTS.**

24 Section 5 of the Act (20 U.S.C. 954) is amended—

25 (1) in subsection (c)—

1 (A) in paragraph (2), by inserting “or tra-
2 dition” after “authenticity”;

3 (B) in paragraph (5), by inserting “educa-
4 tion,” after “knowledge,”;

5 (C) by striking “and” at the end of para-
6 graph (7);

7 (D) by redesignating paragraph (8) as para-
8 graph (10);

9 (E) by inserting after paragraph (7) the fol-
10 lowing new paragraphs:

11 “(8) projects that enhance managerial and orga-
12 nizational skills and capabilities;

13 “(9) international projects and productions in
14 the arts; and”;

15 (F) in the second sentence, by striking
16 “clause (8)” and inserting “paragraph (10)”;

17 (2) in clause (i) of subsection (g)(2)(D) by in-
18 serting “including local arts agencies,” after “orga-
19 nizations,”.

20 (3) in subsection (g)(2)(E)—

21 (A) in clause (i) by—

22 (i) striking “the previous 2 years”
23 and inserting “the most recent year for
24 which information is available”; and

1 (ii) inserting “local arts agencies,”
2 after “artists’ organizations,”; and

3 (B) by amending clause (ii) to read as
4 follows:

5 “(ii) for the most recent year for
6 which information is available, a descrip-
7 tion of the extent to which projects and
8 productions receiving financial assistance
9 from the State arts agency are available to
10 all people and communities in the State;
11 and”;

12 (4) in subsection (1)(1)—

13 (A) in clause (iii) of subparagraph (D), by
14 inserting “, including local arts agencies,” after
15 “local organizations”;

16 (B) by striking “and” at the end of sub-
17 paragraph (E);

18 (C) by striking the period at the end of
19 subparagraph (F) and inserting “; and”; and

20 (D) by adding at the end the following new
21 subparagraph:

22 “(G) stimulating artistic activity and
23 awareness that are in keeping with the varied
24 cultural traditions of the United States.”; and

25 (5) in subsection (m)—

1 (A) in the first sentence, by—

2 (i) striking “local agencies” and in-
3 serting “local arts agencies”; and

4 (ii) striking “develop” and inserting
5 “employ”;

6 (B) by striking the fourth sentence; and

7 (C) in the last sentence, by striking “not
8 later than October 1, 1988, and biennially there-
9 after” and inserting “not later than October 1,
10 1992, and quadrennially thereafter”.

11 SEC. 103. NATIONAL COUNCIL ON THE ARTS.

12 Section 6(b) of the Act (20 U.S.C. 955) is amended in
13 paragraph (2) by inserting “local arts agency leaders,”
14 after “cultural leaders,”.

15 SEC. 104. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR
16 THE HUMANITIES.

17 Section 7 of the Act (20 U.S.C. 956) is amended—

18 (1) in subsection (a), by striking “a National”
19 and inserting “the National”;

20 (2) in subsection (c)—

21 (A) by inserting “enter into arrangements,
22 including contracts, grants, loans, and other
23 forms of assistance, to” after “is authorized
24 to”;

1 (B) in paragraph (2), by striking “(includ-
2 ing contracts, grants, loans, and other forms of
3 assistance)”;

4 (C) in paragraph (3), by striking “and”
5 and all that follows through “Fellowships” and
6 inserting “to initiate and support training and
7 workshops in the humanities by making ar-
8 rangements with institutions or individuals; fel-
9 lowships”;

10 (D) in paragraph (7), by striking “,
11 through grants or other arrangements with
12 groups,”;

13 (E) by striking “and” at the end of para-
14 graph (8);

15 (F) by striking the period at the end of
16 paragraph (9) and inserting “; and”; and

17 (G) by adding at the end the following new
18 paragraph:

19 “(10) foster programs and projects that provide
20 access to and preserve materials important to re-
21 search, education, and public understanding of the
22 humanities.”;

23 (3) in subsection (d), by striking “correlate”
24 and inserting “coordinate”;

25 (4) in subsection (f)—

1 (A) in paragraph (2)(A) by striking “the
2 humanities council in existence on the date of
3 the enactment of the Arts, Humanities, and Mu-
4 seums Amendments of 1985, as the State
5 agency” and inserting “as the State agency the
6 humanities council in existence on the date of
7 designation”;

8 (B) in paragraph (2)(A)(viii)(I), by striking
9 “previous two years” and inserting “most
10 recent year for which information is available”;

11 (C) in paragraph (2)(A)(viii)(II), by insert-
12 ing “for the most recent year for which infor-
13 mation is available,” after “(II)”;

14 (D) in paragraph (3)(J)(i), by striking “pre-
15 vious two years” and inserting “most recent
16 year for which information is available”;

17 (E) in paragraph (3)(J)(ii), by inserting
18 “for the most recent year for which information
19 is available,” after “(ii)”;

20 (F) in paragraph (4)—

21 (i) in subparagraph (A) by striking
22 “34” and inserting “25”; and

23 (ii) in subparagraph (B) by striking
24 “44” and inserting “53”;

1 (5) in the third sentence of subsection (g), by
2 striking “not later than” and all that follows through
3 “1985”;

4 (6) in the second sentence of subsection
5 (h)(2)(B), by striking “Endowment on” and insert-
6 ing “Endowment for”;

7 (7) in subsection (k)—

8 (A) in the first sentence by—

9 (i) inserting “ongoing” before “con-
10 sultation”;

11 (ii) striking “agencies, develop” and
12 inserting “agencies, continue to develop
13 and employ”; and

14 (iii) inserting “and public dissemina-
15 tion of such information and data” after
16 “data collection”;

17 (B) by striking the third sentence; and

18 (C) in the last sentence, by striking “Octo-
19 ber 1, 1988, and biennially thereafter” and in-
20 sserting “October 1, 1992, and quadrennially
21 thereafter”;

22 (8) by amending subsection (l) to read as fol-
23 lows:

24 “(l) A group shall be eligible for financial assistance
25 under this section only if—

1 “(1) no part of the net earnings of the group
2 inures to the benefit of any private stockholder or in-
3 dividual; and

4 “(2) donations to the group are allowable as a
5 charitable contribution under section 170(c) of the
6 Internal Revenue Code of 1986.”; and

7 (9) by adding at the end the following new sub-
8 sections:

9 “(m) The Chairperson of the National Endowment
10 for the Humanities, with the advice of the National Coun-
11 cil on the Humanities, is authorized to make the following
12 annual awards:

13 “(1) The Jefferson Lecture in the Humanities
14 Award to honor an individual for distinguished intel-
15 lectual achievement in the humanities. The annual
16 award shall not exceed \$10,000.

17 “(2) The Charles Frankel Prize to honor per-
18 sons who have made outstanding contributions to the
19 public understanding of the humanities. Up to five
20 persons may receive the award each year. No award
21 shall exceed \$5,000.

22 “(n) Any group receiving a grant pursuant to subsec-
23 tion (c) may use such grant to award a grant to carry out
24 the purposes for which the grant was received in accord-
25 ance with the provisions of this Act.”.

1 SEC. 105. ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE
2 ARTS AND HUMANITIES.

3 Section 9 of the Act (20 U.S.C. 958) is amended—

4 (1) in subsection (b) by—

5 (A) striking “the Commissioner on
6 Aging,”;

7 (B) striking “a member designated by the
8 Director of the United States Information
9 Agency” and inserting “the Director of the
10 United States Information Agency”;

11 (C) striking “and a member designated by
12 the Secretary of the Interior” and inserting “the
13 Director of the National Park Service”; and

14 (D) striking “the Chairman of the Senate
15 Commission on Art and Antiquities” and insert-
16 ing “the President Pro Tempore of the Senate”;
17 and

18 (2) by amending subsection (d) to read as fol-
19 lows:

20 “(d) The Federal Council shall conduct a study to
21 determine the nature and level of public support for the
22 arts in the United States at the Federal, State, and local
23 levels, including an examination of the changing roles and
24 impacts of each level within 1 year of the date of enact-
25 ment of this subsection.”.

1 SEC. 106. ARTS EDUCATION.

2 (a) IN GENERAL.—The Act (20 U.S.C. 951 et seq.) is
3 amended by—

4 (1) redesignating sections 10 and 11, as sections
5 11 and 12, respectively; and

6 (2) inserting after section 9 the following new
7 section:

8 “ARTS EDUCATION

9 “SEC. 10. (a) It is the purpose of this section to—

10 “(1) encourage and develop quality arts educa-
11 tion at all levels, in conjunction with formal systems
12 of early childhood, elementary, secondary, and post-
13 secondary education and with programs of nonformal
14 education for all age groups from early childhood
15 through adulthood;

16 “(2) develop and stimulate research to teach
17 quality art education; and

18 “(3) encourage and facilitate the work of other
19 Federal and State agencies in the area of arts educa-
20 tion.

21 “(b)(1) The Chairperson of the National Endowment
22 for the Arts is authorized to pay the Federal share of
23 awarding grants to and entering into contracts or coopera-
24 tive agreements with schools, groups, and, in appropriate
25 cases, individuals of exceptional talent engaged in or con-

- any state or
other public agency.

~~and state and local~~
~~arts agencies.~~

1 cerned with arts in education to support the activities de-
2 scribed in subsection (c).

3 “(2) The Federal share of grants, contracts, and coop-
4 erative agreements awarded pursuant to the provisions of
5 this section for any fiscal year may not exceed 50 percent
6 of the cost of the activities for which the grant is made or
7 the contract or cooperative agreement is entered into.

8 “(c) Funds awarded under this section may be used to

9 encourage public knowledge, understanding, and apprecia-

10 tion of the arts, and to support the education, training, and

11 development of this Nation's artists, through activities

12 that—

13 “(1) develop partnerships between local and

14 State arts and education agencies, businesses, col-

15 leges, and universities;

16 “(2) assist artists and arts teachers in career de-

17 velopment;

18 “(3) support the development and promotion of

19 improved curriculum materials in the arts;

20 “(4) improve evaluation and assessment of arts

21 education programs and instruction;

22 “(5) support and encourage residencies of art-

23 ists at all educational levels;

add NASAA

1 “(6) support the use of technology and im-
2 proved facilities and resources in arts education pro-
3 grams at all levels; and ~~Including programs for~~
~~The disabled, m:~~

4 “(7) support other relevant projects, including
5 surveys, research, planning, and publications relating
6 to the purposes of this subsection.

7 “(d)(1) There is hereby established, within the Na-
8 tional Endowment for the Arts, a National Arts Education
9 Advisory Board (hereinafter referred to as the ‘Board’).

10 “(2)(A) The Board shall consist of fifteen members
11 appointed by the Chairperson of the National Endowment
12 for the Arts.”

13 “(B) The Chairperson of the National Endowment for
14 the Arts shall appoint members to the Board who are
15 broadly representative of the fields of arts education field,
16 including—

17 “(i) artists, and educators from early childhood,
18 elementary, secondary, and postsecondary education;

19 “(ii) representatives of arts institutions, State
20 arts agencies and local arts agencies;

21 “(iii) professionals from national, State, and
22 local organizations, corporations, and foundations;
23 and

24 “(iv) the general public.

1 “(C) The Chairperson of the National Endowment for
2 the Arts shall appoint to the Board at least 2 members of
3 the general public who are knowledgeable in arts educa-
4 tion and not less than 1 person who is a parent of a school-
5 aged child involved in arts education.

6 “(D) The Chairperson of the National Endowment for
7 the Arts shall appoint members to the Board who reflect
8 the various geographical regions of the United States.

9 “(E) The Chairperson of the National Endowment for
10 the Arts shall not appoint to the Board more than 3 mem-
11 bers from any one State.

12 “(F) In making appointments pursuant to subpara-
13 graph (A), the Chairperson of the National Endowment for
14 the Arts shall give consideration to the equitable represen-
15 tation on the Board of women, minorities, and persons
16 with disabilities who are involved in arts education.

17 “(3)(A) The term of office of the members of the
18 Board shall be 5 years, except that—

19 “(i) any such member appointed to fill a vacan-
20 cy shall serve only such portion of a term as shall
21 not have expired at the time of such appointment;
22 and

23 “(ii) in the case of initial members of the
24 Board—

1 “(I) 3 members shall serve for terms of 5
2 years,

3 “(II) 3 members shall serve for terms of 4
4 years,

5 “(III) 3 members shall serve for terms of 3
6 years,

7 “(IV) 3 members shall serve for terms of 2
8 years, and

9 “(V) 3 members shall serve for terms of 1
10 year,

11 as designated by the Chairperson at the time of ap-
12 pointment.

13 “(B) Any member of the Board who has been a
14 member of the Board for more than 7 consecutive years
15 shall thereafter be ineligible for reappointment to the
16 Board during the 3-year period following the expiration of
17 the last such consecutive year.

18 “(C) Vacancies in the Board shall be filled in the
19 same manner as the original appointment was made.

20 “(4) The Chairperson of the Board shall be designat-
21 ed by the Chairperson of the National Endowment for the
22 Arts from among the appointed members of the Board.

23 “(5) Except as provided in paragraph (6)(B), 8 ap-
24 pointed members of the Board shall constitute a quorum.

1 “(6) The Board shall meet at the call of the Chairper-
2 son of the Board, except that the Board shall meet—

3 “(A) not less than four times each year; and

4 “(B) whenever one-third of the appointed mem-
5 bers request a meeting in writing, in which event
6 seven of the appointed members shall constitute a
7 quorum.

8 “(7) The members of the Board shall be allowed
9 travel expenses and other necessary expenses, including
10 per diem in lieu of subsistence, at rates authorized for em-
11 ployees of agencies under subchapter I of chapter 57 of
12 title 5, United States Code, while away from their homes
13 or regular places of business in the performance of serv-
14 ices for the Board.

15 “(e) The Board, in coordination with the Chairperson
16 of the National Endowment for the Arts, shall—

17 “(1) initiate, expand and coordinate activities
18 with respect to the encouragement and development
19 of quality arts education at all levels, in conjunction
20 with formal systems of early childhood, elementary,
21 secondary, and postsecondary education and with
22 programs of nonformal education for all age groups
23 from early childhood through adulthood;

24 “(2) develop and stimulate research to teach
25 quality arts education; and

1 “(3) encourage and facilitate the work of other
2 Federal and State agencies in the area of arts educa-
3 tion.”.

4 (b) CONFORMING AMENDMENTS.—The Act is further
5 amended—

6 (1) in paragraph (3) of section 5(l) by striking
7 “10” and insert “11”;

8 (2) in subsection (f) of section 6 by striking
9 “11” and inserting “12”;

10 (3) in subparagraph (B) of section 7(h)(2) by
11 striking “11” and inserting “12”;

12 (4) in paragraph (3) of section 7(h) by striking
13 “10” and inserting “11”;

14 (5) in subsection (f) of section 8 by striking
15 “11” and inserting “12”; and

16 (6) in subsection (a) of section 12 (as redesign-
17 ated in paragraph (1) of subsection (a))—

18 (A) in paragraph (2)(A) by striking “10”
19 and inserting “11”;

20 (B) in paragraph (2)(B)(i) by striking “10”
21 and inserting “11”;

22 (C) in paragraph (3)(A)(i) by striking
23 “10” and inserting “11”; and

24 (D) in paragraph (3)(B)(i) by striking
25 “10” and inserting “11”.

1 **SEC. 107. ADMINISTRATIVE PROVISIONS.**

2 Section 11 of the Act (20 U.S.C. 959) (as redesignat-
3 ed in section 106(a)(1)) is amended—

4 (1) in subsection (a)(6), by striking “529” and
5 inserting “3324”;

6 (2) by striking subsections (e) and (f);

7 (3) by redesignating subsections (b), (c), and (d)
8 as subsections (e), (f), and (g), respectively;

9 (4) by designating the second through the fifth
10 sentences of the existing subsection (a) as subsection
11 (b);

12 (5) by designating the sixth through the eighth
13 sentences of the existing subsection (a) as subsection
14 (c);

15 (6) by designating the ninth through the elev-
16 enth sentences of the existing subsection (a) as sub-
17 section (d);

18 (7) in subsection (b) (as redesignated in para-
19 graph (4)) by inserting “, including local arts repre-
20 sentatives” after “represent cultural diversity”;

21 (8) in subsection (c) (as designated by para-
22 graph (5)), by striking “clause (4)” and inserting
23 “subsection (a)(4)”;

24 (9) by striking the second sentence of subsec-
25 tion (c) (as redesignated in paragraph (5));

1 (10) in subsection (g)(3) (as redesignated by
2 paragraph (3)), by striking “the last sentence of sub-
3 section (a)” and inserting “subsection (d)”; and

4 (11) by inserting at the end thereof the follow-
5 ing new subsections:

6 “(h)(1) The Chairperson of the National Endowment
7 for the Arts shall develop procedures which—

8 “(A) ensure that each panel of experts estab-
9 lished pursuant to subsection (a)(4) has a wide geo-
10 graphic, aesthetic, ethnic, minority representation
11 by—

12 “(i) creating an agency-wide panelist bank,
13 containing names of both qualified arts profes-
14 sionals and knowledgeable lay persons that have
15 been approved by the Chairperson of the Na-
16 tional Endowment for the Arts, or such Chair-
17 person’s designee; and

18 “(ii) ensuring that such panels, where fea-
19 sible, have knowledgeable lay persons serving
20 on such panels at all times;

21 “(B) establish, where feasible, standardized
22 panel procedures;

23 “(C) require, where necessary and feasible, the
24 increased use of site visitations to view, and issue a
25 written report on, an applicant’s work in order to

1 assist the panel of experts in making recommenda-
2 tions;

3 “(D) require a verbatim record of all delibera-
4 tions and recommendations of each panel of experts;

5 “(E) require that the membership of each panel
6 of experts change substantially from year to year,
7 with no appointment to a panel of experts to exceed
8 three consecutive years; and

9 “(F) require all meetings of the National Coun-
10 cil on the Arts be open to the public in accordance
11 with the provisions of section 552b of title 5, United
12 States Code.

13 “(2) The Inspector General of the National Endow-
14 ment for the Arts shall conduct the appropriate reviews to
15 ensure grantee compliance with all regulations which
16 relate to the administration of all programs and operations
17 of the National Endowment for the Arts. This review in-
18 cludes, but is not limited to, grantee compliance with all
19 accounting and financial criteria.

20 “(3) The procedures described in paragraph (1) shall
21 be developed within 90 days of enactment of this subsec-
22 tion.

23 “(i)(1) The Chairperson of the National Endowment
24 for the Arts shall establish sanctions for groups or individ-
25 uals who receive funds pursuant to the provisions of sec-

tion 5 and use such funds to create, produce, or support a
project or production which is found to be obscene under *state*
criminal laws or is found to be a criminal violation of *state child porn laws*
~~pornography laws~~ as determined by a court decision after
final appeals in the State or States in which the group or
individual produced such project or production or in the
State or States described in the grant award as the site or
sites of the project or production. *as determined by a court decision, after final appeals.*

“(2) Except as provided in paragraphs (3) and (4), the
sanctions described in paragraph (1) shall include—

“(A) repayment by the individual or organiza-
tion which created or produced the project or pro-
duction found to be obscene or to violate child por-
nography laws pursuant to the provisions of para-
graph (1) to the Chairperson of the portion of the
funds received under section 5 which were used to
create or produce such project or production in ac-
cordance with the provisions of paragraph (3); and

“(B) ineligibility of the individual or organiza-
tion which—

“(i) used funds received under section 5 to
create or produce the project or production
found to be obscene or to violate child pornog-
raphy laws pursuant to the provisions of para-
graph (1); and

1 “(ii) was a defendant convicted in the
2 criminal action described in paragraph (1);

3 to receive funds under this Act for a period to be de-
4 termined by the Chairperson of the National Endow-
5 ment for the Arts, which shall not be less than 3
6 years from the date such project or production is
7 found to be obscene or to violate child pornography
8 laws pursuant to the provisions of paragraph (1) or
9 until repayment of the funds pursuant to the provi-
10 sions of subparagraph (A), whichever is longer.

11 “(3)(A) Except as provided in paragraph (4), funds
12 required to be repaid pursuant to the provisions of this sub-
13 section shall be repaid within 90 days from the date such
14 project or production is found to be obscene or to violate
15 child pornography laws pursuant to the provisions of para-
16 graph (1).

17 “(B) If a State, local, or regional agency or arts group
18 received funds directly from the Chairperson under section
19 5 and awarded all or a portion of such funds to an individ-
20 ual or organization which used such funds to create,
21 produce or support a project or production found to be ob-
22 scene or to violate child pornography laws pursuant to the
23 provisions of paragraph (1), and the Chairperson deter-
24 mines that such individual or organization has not or
25 repay such funds in accordance with the provisions of

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1 paragraph (2) and this paragraph, then such agency or
2 group shall repay such funds to the Chairperson within 30
3 days of the expiration of—

4 (i) the 90-day period described in paragraph (3);

5 or

6 (ii) the waiver period described in paragraph

7 (4).

8 “(C) Each individual or organization required to
9 repay funds pursuant to the provisions of subparagraph (A)
10 of paragraph (2) shall be ineligible to receive further funds
11 under this Act until such funds are repaid.

12 “(D) If a State, local, or regional agency or arts group
13 is required to repay funds pursuant to the provisions of
14 subparagraph (A) of paragraph (2) or subparagraph (B) of
15 this paragraph and fails to make such repayment in accord-
16 ance with the provisions of this subsection, then such
17 agency or group shall be ineligible to receive funds under
18 this Act until such funds are repaid.

19 “(4) The Chairperson of the National Endowment for
20 the Arts may waive the provisions of paragraph (3)(A) for
21 a period not to exceed 2 years.

22 “(5) The Chairperson of the National Endowment for
23 the Arts shall develop procedures to ensure compliance
24 with the sanctions described in paragraph (1).

1 “(6) The general information and guidance form pro-
2 vided to recipients of funds under section 5 shall include
3 on such form the following:

4 “REPAYMENT OF FUNDS AND DEBARMENT.—In accord-
5 ance with a Congressional directive, recipients of funds
6 under section 5 of the National Foundation of the Arts and
7 the Humanities Act of 1965 are requested to note the pro-
8 visions of section 10(g) of such Act regarding repayment
9 of funds and debarment.

10 “(7) The Chairperson shall develop regulations to im-
11 plement the sanctions described in this subsection.”.

12 SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

13 Section 12 of the Act (as redesignated in section
14 106(a)(1) (20 U.S.C. 960) is amended—

15 (1) in subsection (a)—

16 (A) in the first sentence of paragraph
17 (1)(A), by striking “\$121,678,000” and all that
18 follows through “section 5(g)” and inserting
19 “\$125,800,000 for fiscal year 1991 and such
20 sums as may be necessary for each of the fiscal
21 years 1992 through 1995”;

22 (B) in the first sentence of paragraph
23 (1)(B), by striking “95,207,000” and all that
24 follows through “section 7(f)” and inserting
25 “\$119,900,000 for fiscal year 1991 and such

1 sums as may be necessary for each of the fiscal
2 years 1992 through 1995”;

3 (C) in paragraph (1), by striking subpara-
4 graph (C);

5 (D) in paragraph (2)(A)—

6 (i) by striking “1990” and inserting
7 “1995”;

8 (ii) by striking “paragraph (8)” and
9 inserting “paragraph (10)”; and

10 (iii) by striking “\$8,820,000” and all
11 that follows through “1989 and 1990” and
12 inserting “\$13,000,000 for fiscal year 1991
13 and such sums as may be necessary for
14 each of the fiscal years 1992 through
15 1995”;

16 (E) in paragraph (2)(B)—

17 (i) by striking “1990” and inserting
18 “1995”;

19 (ii) in clause (ii) by striking “9” and
20 inserting “10”; and

21 (iii) by striking “\$10,780,000” and
22 all that follows through “1989 and 1990”
23 and inserting “\$12,000,000 for fiscal year
24 1991 and such sums as may be necessary

1 for each of the fiscal years 1992 through
2 1995”;

3 (F) in paragraph (3)(A)—

4 (i) by striking “1990” and inserting
5 “1995”; and

6 (ii) by striking “\$20,580,000” and all
7 that follows through “1989 and 1990” and
8 inserting “\$15,000,000 for fiscal year 1991
9 and such sums as may be necessary for
10 each of the fiscal years 1992 through
11 1995”;

12 (G) in paragraph (3)(B)—

13 (i) by striking “1990” and inserting
14 “1995”; and

15 (ii) by striking “\$19,600,000” and all
16 that follows through “1989 and 1990” and
17 inserting “\$15,150,000 for fiscal year 1991
18 and such sums as may be necessary for
19 each fiscal year 1992 through 1995”; and

20 (H) in paragraph (3), by striking subpara-
21 graph (C) and redesignating subparagraph (D)
22 as subparagraph (C);

23 (2) in subsection (c)—

24 (A) in the first sentence of paragraph (1),
25 by striking “\$15,982,000” and all that follows

1 through “fiscal years 1989 and 1990” and in-
2 sserting “\$21,200,000 for fiscal year 1991 and
3 such sums as may be necessary for each of the
4 fiscal years 1992 through 1995”; and

5 (B) in paragraph (2)—

6 (i) in the first sentence, by striking
7 “\$14,291,000” and all that follows
8 through “fiscal years 1989 and 1990” and
9 inserting “\$17,950,000 for fiscal year 1991
10 and such sums as may be necessary for
11 each of the fiscal years 1992 through
12 1995”; and

13 (ii) in the second sentence, by striking
14 “or any other source of funds”;

15 (3) by amending subsection (d) to read as fol-
16 lows:

17 “(d)(1) The total amount of appropriations to carry
18 out the activities of the National Endowment for the Arts
19 shall be \$195,250,000 for fiscal year 1991 and such sums
20 as may be necessary for each of the fiscal years 1992
21 through 1995.

22 “(2) The total amount of appropriations to carry out
23 the activities of the National Endowment for the Human-
24 ities shall be \$165,000,000 for fiscal year 1991 and such

1 sums as may be necessary for each of the fiscal years 1992
2 through 1995.”; and

3 (4) by inserting at the end thereof the following
4 new subsections:

5 “(f) For the purpose of carrying out the provisions of
6 section 9(d), there are authorized to be appropriated
7 \$250,000 for fiscal year 1991 and such sums as may be
8 necessary for each fiscal year thereafter.

9 “(g)(1) If the total amount appropriated to the Na-
10 tional Endowment for the Arts pursuant to the authority of
11 section 12 exceeds \$175,000,000, there are authorized to
12 be appropriated \$10,000,000 for fiscal year 1991, and such
13 sums as may be necessary for each of fiscal years 1992,
14 1993, 1994, and 1995 to carry out the provisions of section
15 10(b).

16 “(2) Sums appropriated pursuant to the authority of
17 paragraph (1) shall be available for obligation and expend-
18 iture until expended.”.

19 **TITLE II—MUSEUM SERVICES**

20 **SEC. 201. NATIONAL MUSEUM SERVICES BOARD.**

21 Section 204 of the Museum Services Act (hereafter in
22 this title referred to as the “Act”) (20 U.S.C. 963) is
23 amended—

24 (1) in subsection (a)(1)(A), by inserting “con-
25 servational,” after “curatorial,”; and

1 (2) in subsection (d)(1), by striking “four” and
2 inserting “three”.

3 **SEC. 202. DIRECTOR OF THE INSTITUTE.**

4 Section 205(a) of the Act (20 U.S.C. 964(a)) is
5 amended—

6 (1) in paragraph (1), by striking “be compensat-
7 ed at the rate provided for level V of the Executive
8 Schedule (5 U.S.C. 5316), and shall”; and

9 (2) in paragraph (2), by striking “Chairper-
10 son’s” and inserting “Director’s”.

11 **SEC. 203. ACTIVITIES OF THE INSTITUTE.**

12 Section 206 of the Act (20 U.S.C. 965) is amended—

13 (1) in subsection (a)(5), by striking “artifacts
14 and art objects” and inserting “museum collec-
15 tions”; and

16 (2) in subsection (b)—

17 (A) in paragraph (1) by—

18 (i) striking “professional museum or-
19 ganizations” and inserting “eligible enti-
20 ties”;

21 (ii) striking “such organizations”
22 each place such term appears and inserting
23 “such entities”; and

1 (iii) inserting “and to advance the
2 well being of museum and conservation
3 services” after “museum services”;

4 (B) in paragraph (2)(B) by striking “pro-
5 fessional museum organization” and inserting
6 “eligible entity”;

7 (C) in paragraph (2), by striking “(A)”
8 and all that follows through “(B)”;

9 (D) in paragraph (3) by striking “profes-
10 sional museum organizations” and inserting
11 “any eligible entity”; and

12 (E) by amending paragraph (4) to read as
13 follows:

14 “(4) For the purposes of this subsection, the
15 term ‘eligible entity’ means a private, nonprofit pro-
16 fessional museum or conservation-related organiza-
17 tion, a research institution, a university, or a
18 museum.”.

19 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 209 of the Act (20 U.S.C. 967) is amended—

21 (1) by amending subsection (a) to read as fol-
22 lows:

23 “(a) For the purpose of making awards under section
24 206, there are authorized to be appropriated \$24,000,000

1 for fiscal year 1991 and such sums as may be necessary for
2 each of the fiscal years 1992 through 1995.”; and

3 (2) in subsection (d)—

4 (A) by striking “during the period begin-
5 ning on the date of the enactment of this Act
6 and ending October 1, 1990,”; and

7 (B) by inserting “for each of the fiscal
8 years 1991 through 1995” after “to be appro-
9 priated”.

10 **TITLE III—MISCELLANEOUS**

11 **SEC. 301. INDEMNITY AGREEMENT.**

12 Section 5 of the Arts and Artifacts Indemnity Act (20
13 U.S.C. 974) is amended—

14 (1) in subsection (b), by striking
15 “\$1,200,000,000” and inserting “\$5,000,000,000”;

16 (2) in subsection (c), by striking
17 “\$125,000,000” and inserting “\$500,000,000”; and

18 (3) in subsection (d)—

19 (A) by striking “or” at the end of para-
20 graph (2); and

21 (B) by striking paragraph (3) and inserting
22 the following new paragraphs:

23 “(3) \$10,000,000 but less than \$125,000,000,
24 then coverage under this Act shall extend to loss or

1 damage in excess of the first \$50,000 of loss or
2 damage to items covered;

3 “(4) \$125,000,000 but less than \$300,000,000,
4 then coverage under this Act shall extend to loss or
5 damage in excess of the first \$100,000 of loss or
6 damage to items covered; or

7 “(5) \$300,000,000 or more, then coverage
8 under this Act shall extend only to loss or damage in
9 excess of the first \$200,000 of loss or damage to
10 items covered.”.

11 SEC. 302. STUDY OF ALTERNATIVE FUNDING OF THE HUMANITIES.

12 Section 401 of the Arts, Humanities and Museums
13 Amendments of 1985 (Public Law 99-194; 99 Stat. 1345)
14 is repealed.

15 SEC. 303. POSITIONS AT LEVEL IV.

16 Section 5315 of title 5, United States Code, is amend-
17 ed by adding at the end the following:

18 “Director of the Institute of Museum Services”.

19 SEC. 304. AMERICAN ARTS CELEBRATION.

20 (a) STATEMENT OF PURPOSE.—It is the purpose of this
21 section to provide for a series of regional celebrations
22 through which Americans will see the wonderful interac-
23 tion of art and democracy, and will participate in an un-
24 precedented national celebration of American arts and cul-
25 ture.

1 (b) AMERICAN ARTS CELEBRATION.—(1) In fiscal year
2 1991 and each fiscal year thereafter, the National Endow-
3 ment for the Arts shall sponsor for the American public a
4 series of regional celebrations of traditional and contempo-
5 rary American art.

6 (2) The celebrations described in paragraph (1) shall
7 be multi-cultural, and shall pay tribute to the diversity and
8 creativity of the American artistic genius in all its past and
9 present forms. Each such celebration shall feature the
10 widest spectrum of artists and artwork available in that
11 region, including indigenous traditions as well as expres-
12 sions from diverse ethnic cultures.

13 (3) The National Endowment for the Arts shall work
14 in concert with appropriate entities in each region of the
15 United States to plan and implement such regional Ameri-
16 can arts celebrations.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There are
18 authorized to be appropriated for fiscal year 1991 and each
19 fiscal year thereafter \$10,000,000 to carry out the provi-
20 sions of this section.

21 SEC. 305. PLANS FOR SIGNIFICANT AMERICAN LANDSCAPES.

22 (a) SHORT TITLE.—This section may be cited as the
23 “Great American Landscapes Act of 1990”.

24 (b) LANDSCAPE ASSESSMENTS AND PLANS.—Section 5
25 of the National Foundation on the Arts and Humanities Act

1 of 1965 (20 U.S.C. 954) is amended by adding the follow-
2 ing new subsection at the end thereof:

3 “(n)(1) In addition to the other authorities provided in
4 this section the Chairperson of the National Endowment
5 for the Arts shall make matching grants to States under
6 paragraph (2) of this subsection for Statewide landscape
7 assessments and to States, local governments, and private
8 groups under paragraph (3) for individual comprehensive
9 landscape plans. All grants under this subsection shall be
10 on a competitive basis. No grant under this subsection
11 shall cover more than 50 percent of the costs of any assess-
12 ment or plan receiving assistance under this subsection.

13 “(2) Each Statewide landscape assessment funded
14 under this subsection shall systematically identify, evalu-
15 ate, and comparatively assess a variety of landscape values
16 to the public, including a detailed, comparative assessment
17 of nationally significant natural, historic, cultural, and aes-
18 thetic values. The assessment shall be carried out utilizing
19 a task force of public and private interests representative of
20 major landscape values and interests within the State.

21 “(3)(A) Each comprehensive landscape plan funded
22 under this subsection shall develop a guide for achieving
23 desired community recommendation for future landscape
24 management with the area subject to the plan for one or
25 more specific landscape areas that are threatened. Each

1 plan under this paragraph shall meet each of the following
2 criteria:

3 “(i) The area subject to the plan must have a
4 recognized and definable boundary that is related to
5 significant national or regional cultural patterns, tra-
6 ditional land uses, or topographic features or any
7 combination thereof.

8 “(ii) The area subject to the plan must contain
9 identifiable and nationally recognized cultural, his-
10 toric, aesthetic, natural, or tourism features, or a
11 combination of these that are significant to the com-
12 munity and to the national citizenry.

13 “(iii) The landscape subject to the plan must be
14 already managed or used in ways that reflect its
15 value as a resource and provide a clear sense of the
16 value of the resources of the landscape.

17 “(iv) A clear public benefit must be achieved
18 from a cooperative effort.

19 “(v) An organization, agency, or group of agen-
20 cies or organizations must be in place, or must be
21 established to organize and facilitate the cooperative
22 planning effort.

23 “(vi) There must be State and local government
24 and public support and involvement for and in the
25 proposal.

1 “(vii) There must be a demonstrated need for
2 the assistance such as a precipitating event or immi-
3 nent threat in the area.

4 “(B) Each comprehensive landscape plan funded
5 under this subsection shall include a detailed, comparative
6 assessment of historic, cultural, and aesthetic resource
7 values. The plan shall be carried out utilizing a task force
8 of public and private interests representative of major land-
9 scape values and interests. The plan shall include each of
10 the following elements:

11 “(i) A statement of goals and policies to guide
12 the future of the area.

13 “(ii) An assessment of the attitudes of landown-
14 ers, and local officials toward present and future uses
15 of the landscape area.

16 “(iii) An evaluation of the areas issues, con-
17 cerns, and needs.

18 “(iv) An identification of local, State, and Fed-
19 eral government and private landowner responsibil-
20 ities for encouraging the wise and appropriate future
21 uses of the area and for carrying out the plan.

22 “(v) A public involvement plan.

23 “(vi) A financial strategy to identify sources of
24 revenue and assistance to help carry out the plan.

1 “(4) The Chairperson shall submit a report to the
2 Congress at the end of each 2-year period following the
3 enactment of this subsection setting forth the progress
4 being made in meeting the goals and objectives of this
5 subsection.

6 “(5) There are authorized to be appropriated such
7 sums as may be necessary to carry out this subsection.”.